

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Martinsburg Division

U.S. DISTRICT COURT
FILED AT WHEELING, WV

AUG 10 2007

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

LILLIAN C. ETTER, individually,
and as Co-Trustee of the McCLUGHAN
LIVING TRUST DATED JUNE 29, 2001,

Plaintiff,

v.

CIVIL ACTION NO. 3:06-CV-139
Judge Bailey

RANDY B. MAZZOTTI, individually,
and as Co-Trustee of the McCLUGHAN
LIVING TRUST DATED JUNE 29, 2001,
JULIE MAZZOTTI, and LACY J. MAZZOTTI,

Defendants.

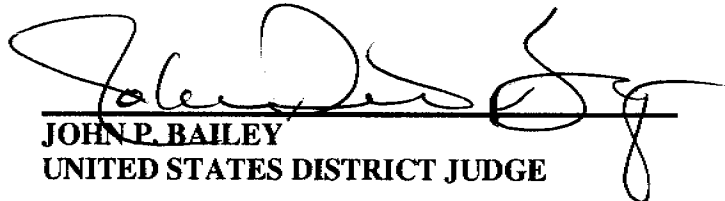
AGREED ORDER DIRECTING CLERK TO DEPOSIT FUNDS

ON A PREVIOUS DAY came the Plaintiff, LILLIAN C. ETTER, individually, and as Co-Trustee of the McClughan Living Trust dated June 29, 2001, by counsel, and the Defendants, RANDY B. MAZZOTTI, individually, and as Co-Trustee of the McClughan Living Trust dated June 29, 2001, JULIE MAZZOTTI, and LACY J. MAZZOTTI, by counsel, and jointly moved the Court to direct the Clerk of the Court to deposit \$175,000 currently held in the Defendants' counsel's client trust account pursuant to Rule 67 of the Federal Rules of Civil Procedure, the parties' February 27, 2007 agreement resolving the Plaintiff's Motion for Prejudgment Attachment, and this Court's February 28, 2007 Order of Hearing on Motion for Prejudgment Attachment.

UPON MATURE CONSIDERATION of the parties' joint motion, and it appearing otherwise proper, it is accordingly **ORDERED** that the parties' joint motion shall be, and hereby is, GRANTED. The Clerk of the Court shall deposit \$175,000 currently held in the

Defendants' counsel's client trust account pursuant to Rule 67 of the Federal Rules of Civil Procedure, the parties' February 27, 2007 agreement resolving the Plaintiff's Motion for Prejudgment Attachment, and this Court's February 28, 2007 Order of Hearing on Motion for Prejudgment Attachment. The Clerk of the Court shall enter this order as of the date set forth below and transmit copies of this order to all counsel of record.

ENTERED on the 10th day of August, 2007.


JOHN P. BAILEY
UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ M. Dawn Alexander

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